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UNITED STATES DISTRICT COURT

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

Cr. A. No. 01-30016-02

VERSUS

JUDGE ROBERT G. JAMES

PHILLIP EDWARD PARKER

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On November 7, 2007, the Government filed a Motion to Terminate Supervised Release [Doc. No. 56] on behalf of Defendant Phillip Edward Parker ("Parker"). On November 9, 2007, the Court issued an Order [Doc. No. 57] granting the Government's motion and terminating Parker's term of supervised release.

Pursuant to 18 U.S.C. § 3583(e),

[t]he court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)--


(1) terminate a term of supervised release and discharge the defendant released at any time **after the expiration of one year of supervised release**, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice

(emphasis added). Thus, by statute, the Court has discretion to terminate a defendant's supervised release early, but does not have authority to terminate supervised release before a defendant has completed one year of the term. Parker did not begin his term of supervised release until May 2007. Accordingly,

IT IS ORDERED that the Court's November 9, 2007 Order [Doc. No. 57] is VACATED,

and the Government's motion [Doc. No. 56] is DENIED. Parker's original term of supervised release, imposed on November 12, 2002, is reinstated. The Government may re-urge its motion upon Parker's completion of one year of supervised release.

MONROE, LOUISIANA, this 16th day of November, 2007.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE